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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,031	08/04/2003	Peter L. Cassidy Phillips	1060A	5285
7590 10/11/2006			EXAMINER	
R. Keith Harrison			PHAM, HUONG Q	
2139 E. Bert Kouns Shreveport, LA 71105		•	ART UNIT	PAPER NUMBER
			3772	
		DATE MAILED: 10/11/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

C.-

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Easterisation for memy be availated under be previously on 37 CPR 1-1360. - If NO period for reply is a specified above, the maximum statutory period will apply and will expire 3KV (8) MONTHS from the mailing date of this communication. - Failure to reply which the stor or extended period for reply is appetited above, the maximum statutory period will apply and will expire 3KV (8) MONTHS from the mailing date of this communication. - Failure to reply when the stor or extended period for reply will, by statutic, cause the application become ABMONDRIS (5) US 1.5 C § 130). - Any party received by the Office store than these mornins after the mailing date of this communication, even if timely filled, may reduce any searce parent timen disjunction. - Status - Status		Application No.	Applicant(s)				
Huong Q. Pham 3743 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherton of the reply to available under the provisious of 37 CPR 1-1364, in to event, towers, may a hely be taining filed. If NO period for reply is appointed above, the maintainum statutory period will apply and will expire SK (6) MONTHS from the realing date of this communication. If NO period for reply is appointed above, the maintainum statutory period will apply and will expire SK (6) MONTHS from the realing date of this communication. If NO period for reply is appointed pariod for reply will be applicated by the application of the application is made of the realing date of this communication, even if firely filed, may reduce they experience application of the produce of the application is non-final. 3)	Office Action Summers	10/634,031					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 FR1 13/61, in no event, however, may a reply but simely field after SIX (5) MONTHS from the mailing date of this communication. Failur to recive with the set of vendered berinds for regivel they statute, cause the explication become ABMONDER[S 19.1 S. C. § 133). Any reply sectived by the 30 files later than three months after the mailing date of this communication. even if timely filled, may reduce any seared patent the adjustment. See 37 CFR 1,74(b). Status 1) ☑ Responsive to communication(s) filed on 7/7/2006. 2a) ☑ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1.16 is/are pending in the application. 4) ② Of the above claim(s) is/are withdrawn from consideration. 5) ☑ Claim(s) 1.5 and 1.6 is/are allowed. 6) ☑ Claim(s) is/are allowed. 6) ☑ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Application Papers 9) ☐ The cath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received in Application No 2. ☐ Certified copies of the priority documents have been received in this National Stage application from t	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
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Art Unit: 3743

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Douglas (2,221,785).

Douglas teaches every claimed feature of the claims including a generally elongated massage body 18a, 18a (figure 1) with at least one resilient layer and having a first end and a second end spaced-apart from said first end; spaced-apart circular wheels 19 carried by said first end and said second respectively, of said massage body, and wherein said massage body has a continuous convex configuration between said first end and said second end of said massage body. As for claim 2, note that said at least one resilient layer comprises at least one elastic layer and at least one compressive layer. As for claim 3, note the core 16 extending through said massage body and wherein said spaced-apart wheels are carried by said core. As for claim 4, note that the resilient layer comprises at least one elastic layer and at least one compressive layer surrounding said core. As for claim 11, note the massage body 18a, 18a, elastic layers 19, 18a, 18a, 19 (figure 1, layers arranged from

left to right), one compressive layer 18a, circular wheels 19, fabric cover 18a. as for claim 13, note the bolt 10.

Claims 1-4, 7-8, are rejected under 35 U.S.C. 102(b) as being anticipated by Douglas (3,298,687).

Douglas teaches every claimed feature of the claims including a generally elongated massage body (figure 6) with at least one resilient layer and having a first end and a second end spaced-apart from said first end; spaced-apart circular wheels 34 carried by said first end and said second respectively, of said massage body, and wherein said massage body has a continuous convex configuration (the circular surface between wheels 34, capable of being used as a massaging body or surface) between said first end and said second end of said massage body. As for claim 2, note that said at least one resilient layer comprises at least one elastic layer and at least one compressive layer. As for claim 3, note the core extending through said massage body and wherein said spaced-apart wheels are carried by said core. As for claim 4, note that the resilient layer comprises at least one elastic layer and at least one compressive layer surrounding said core.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-10, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas (2,221,785).

As for claims 5, 7, 9, 12, 14, note the elastic layers 19, 18a, 18a, 19. It would have been obvious to one ordinary skill in the art at the time the invention was made to choose the type of elastic material suitable for the desired massaging effect, based on the well known properties of the elastic material.

Claims 5-6, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Douglas (3,298,687).

Note the elastic layers 34, 33, 20, 21 (figures 1, 4, 6). It would have been obvious to one ordinary skill in the art at the time the invention was made to choose the type of elastic material suitable for the desired massaging effect, based on the well known properties of the elastic material.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Douglas (3,298,687) in view of Pepera (6499,485) or Douglas (2,221, 785).

As for claim 11, Douglas (3,298,687) teaches (figure 6) the massage body (34, 34, and the area between 34, 34), elastic layers 34, 33, 20, 21, etc. (figure s1, 4, 5, 6), at least one compressive layer, circular wheels 34, 34. Note that the convex configuration is the circular surface between wheels 34. Pepera teaches removable

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cloth sleeve 150 (figure 6). Douglas (2,221, 785) teaches cover cloth 18a (figure 1). In view of the teaching of Pepera (6499,485) or Douglas (2,221, 785). , it would have been obvious to one ordinary skill in the art at the time the invention was made to provide the device of Douglas (3,298,687) with a fabric cover for comfort of a user.

Allowable Subject Matter

Claims 15-16 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huong Q. Pham whose telephone number is (571) 272-4980. The examiner can normally be reached on 7:15 AM - 3:45 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272 - 4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 29, 2006

MICHAEL A. BROWN PRIMARY EXAMINER

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